

AUG 11 2009

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

MATTHEW J. GREEN,

RESPONDENT.

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FILED

CONSENT ORDER

CAUSE NO. A-1836

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Joel F. Green, and Matthew J. Green (“Respondent”), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to NEB. REV. STAT. §§44-101.01 and 44-4047 ET SEQ. (Reissue 2004). Said jurisdiction and control have been present at all times material hereto.

2. Respondent, at all time material hereto, was a licensed resident insurance producer under the laws of Nebraska whose registered business address with the Department is Green & Associates Inc. d/b/a Nebraska Senior Benefits, 414 G Street, P.O. Box 176, Central City, NE 68826, and whose home address is 608 I Street, Central City, NE 68826.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition and notice of hearing styled State of Nebraska Department of Insurance vs. Matthew J. Green, Cause

Number A-1836 on July 10, 2009. A copy of the petition and notice of hearing was served upon Respondent at Green & Associates Inc. d/b/a Nebraska Senior Benefits, 414 G Street, P.O. Box 176, Central City, NE 68826 by certified mail, return receipt requested, and by first class mail. A copy of the petition and notice of hearing was also served upon Respondent at 608 I Street, Central City, NE 68826 by certified mail, return receipt requested, and by first class mail.

2. Respondent allegedly violated NEB. REV. STAT. §44-4059(1)(b), §44-4059(1)(h), and §44-317 as a result of the following conduct:

- a. In January of 2003, Respondent knowingly obtained a loan from an insurance client, E. Gorecki ("Gorecki"), in the amount of \$20,000.00. Under the terms of the loan Respondent agreed to repay the full amount of the loan, with six percent (6%) interest, by making monthly payments to Gorecki in the amount of \$1,130.00. On March 10, 2004, Respondent repaid the outstanding balance of the loan, \$6,065.00, to Gorecki. Respondent is not related to Gorecki and at the time of the loan, Gorecki was an insurance client of Respondent.
- b. On or about July 18, 2005, Respondent knowingly obtained a loan from an insurance client, R. Wagner ("Wagner"), in the amount of \$10,000.00. Under the terms of the loan Respondent agreed to repay the full amount of the loan, with six percent (6%) interest, by making monthly payments to Wagner in the amount of \$300.00. On March 7, 2008, Respondent repaid the outstanding balance of the loan, \$4,193.00, to Wagner. Respondent is not related to Wagner and at the time of the loan, Wagner was an insurance client of Respondent.

3. Respondent allegedly violated NEB. REV. STAT. §44-4059(1)(b), §44-4059(1)(h), and §44-4061(1) as a result of the following conduct:

- a. On March 2, 2005, Respondent, as insurance agent, signed and submitted the application of W. Karmann ("Karmann") for the purchase of an indexed annuity product offered by Equitrust Life Insurance Company ("Equitrust"). The application was accepted by Equitrust and the annuity (#EQ0001012352F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- b. On July 22, 2005, Respondent, as insurance agent, signed and submitted the application of D. Alexander for the purchase of an indexed annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ000101872F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- c. On September 21, 2005, Respondent, as insurance agent, signed and submitted the application of B. Alexander for the purchase of an annuity product offered by

Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001021524F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.

- d. On December 5, 2005, Respondent, as insurance agent, signed and submitted the application of J. Joedeman ("Joedeman") for the purchase of an indexed annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001025260F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- e. On January 9, 2006, Respondent, as insurance agent, signed and submitted the application of D. Berney ("Berney") for the purchase of an indexed annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001026962F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- f. On March 30, 2006, Respondent, as insurance agent, signed and submitted the application of W. L'Heureux ("L'Heureux") for the purchase of an indexed annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001032402F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- g. On April 13, 2006, Respondent, as insurance agent, signed and submitted the application of G. Lefeuer ("Lefeuer") for the purchase of an indexed annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001033361F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- h. On August 9, 2006, Respondent, as insurance agent, signed and submitted the application of S. DeBusk ("DeBusk") for the purchase of an annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001047758F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- i. On August 25, 2006, Respondent, as insurance agent, signed and submitted the application of R. Garrett ("Garrett") for the purchase of an indexed annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001049335F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- j. On September 14, 2006, Respondent, as insurance agent, signed and submitted the application of D. Dobson ("Dobson") for the purchase of an indexed annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001050827F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.

- k. On September 26, 2006, Respondent, as insurance agent, signed and submitted the application of D. Kohls ("Kohls") for the purchase of an annuity product offered by Equitrust. The application was accepted by Equitrust and the annuity (#EQ0001052457F) issued. At the time of Equitrust's acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of Equitrust.
- l. On March 26, 2007, Respondent, as insurance agent, signed and submitted the applications of L. Rodysill ("Rodysill") for the purchase of two indexed deferred annuities offered by American Investors Life Insurance Company ("American Investors"). The applications were accepted by American Investors and the annuities (#534908 and #534905) issued. At the time of American Investors' acceptance of the applications for and issuance of the annuities, Respondent was not an appointed agent of American Investors.
- m. On March 28, 2007, Respondent, as insurance agent, signed and submitted the application of R. Wagner ("Wagner") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity (#534906) issued. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- n. On March 3, 2008, Respondent, as the insurance agent of record, signed and submitted the application of M. Boeckel for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#560467) issued. On or about April 17, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by M. Boeckel as the annuitant and Respondent as the insurance agent of record. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- o. On March 4, 2008, Respondent, as insurance agent, signed and submitted the application of C. Goodrich ("Goodrich") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#560170) issued. On or about March 17, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by Goodrich as the annuitant and Respondent as the insurance agent of record. A copy of the contract delivery receipt was provided to Respondent and marked as "Agent Copy". At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- p. On March 5, 2008, Respondent, as the agent of record, signed and submitted the application of L. Boeckel for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#560468) issued. On or about April 17, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by L. Boeckel as the annuitant and Respondent as the insurance agent of record. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.

- q. On March 6, 2008, Respondent, as the agent of record, signed and submitted the application of H. Last ("Last") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#561608) issued. On or about May 5, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by Last as the annuitant and Respondent as the insurance agent of record. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- r. On March 10, 2008, Respondent, as insurance agent, signed and submitted the application of E. Weverka ("Weverka") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#561289) issued. An amendment to the original application for the aforementioned annuity was signed by Respondent as agent indicating delivery of the annuity contract occurred on April 11, 2008. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- s. On March 13, 2008, Respondent, as insurance agent, signed and submitted the application of Weverka for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#561228) issued. On or about March 31, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by Weverka as the annuitant and Respondent as the insurance agent of record. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- t. On March 31, 2008, Respondent, as the agent of record, signed and submitted the application of W. Richards ("Richards") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#563616) issued. On or about May 7, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by Richards as the annuitant and Respondent as the insurance agent of record. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- u. On April 4, 2008, Respondent, as the agent of record, signed and submitted the application of J. Watts ("Watts") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#563790) issued. On or about May 19, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by Watts as the annuitant and Respondent as the insurance agent of record. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.
- v. On April 9, 2008, Respondent, as the agent of record, signed and submitted the application of Goodrich for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#566363) issued. At the time of American Investors' acceptance of

the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.

w. On April 14, 2008, Respondent, as the agent of record, signed and submitted the application of E. Wheeler ("Wheeler") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity contract (#565112) issued. On or about May 15, 2008, an annuity contract delivery receipt acknowledging receipt of the aforementioned annuity was signed by Wheeler as the annuitant and Respondent as the insurance agent of record. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.

x. On May 28, 2008, Respondent, as insurance agent, signed and submitted the application of D. Johansen ("Johansen") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity (#570925) issued. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.

y. On May 28, 2008, Respondent, as insurance agent, signed and submitted the application of V. Mohrman ("Mohrman") for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity (#570931) issued. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.

z. On May 29, 2008, Respondent, as insurance agent, signed and submitted the application of Goodrich for the purchase of an indexed deferred annuity offered by American Investors. The application was accepted by American Investors and the annuity (#571012) issued. At the time of American Investors' acceptance of the application for and issuance of the annuity, Respondent was not an appointed agent of American Investors.

aa. On June 11, 2008, Respondent, as insurance agent, signed and submitted the applications of B. Cadwallader ("Cadwallader") for the purchase of two indexed deferred annuities offered by American Investors. The applications were accepted by American Investors and the annuities (#572413 and #572517) issued. At the time of American Investors' acceptance of the applications for and issuance of the annuities, Respondent was not an appointed agent of American Investors.

4. Respondent allegedly violated NEB. REV. STAT. §44-4059(1)(b) and 210 NEB.


ADMIN. R. & REGS. 19-006.01 as a result of the following conduct:

a. On April 17, 2007, Respondent, as the agent of record, signed and submitted the application of D. Eckstrom ("Eckstrom") for the purchase of an indexed deferred annuity offered by American Investors. At the time of the application's submission to American Investors, Respondent failed to ensure Eckstrom, as applicant, completed the portion of the application inquiring whether the applicant had an

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Matthew J. Green, that Respondent consents to a one-month suspension of his insurance producer license. Respondent also agrees to pay an administrative fine in the amount of five thousand dollars (\$5,000.00), due within 30 days after the Director of Insurance or her designee approves and signs this consent order.

All payments hereunder shall be made on or before thirty (30) days from the date the Director adopts this Consent Order as a final Order in this matter. The suspension of Respondent's insurance producer license shall begin on the date the Director adopts this Consent Order as a final Order in this matter and shall continue for a period of thirty (30) days. If Respondent fails to pay the aforementioned administrative fine or fails to comply with other terms of the Consent Order, the Department shall retain jurisdiction to make application for any such further orders as may be necessary which shall include the revocation of Respondent's insurance producer license.


Joel F. Green, #22900
Attorney for Petitioner
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(402) 471-2201

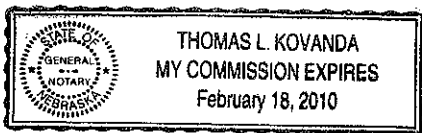

Matthew J. Green
Respondent
414 G Street
P.O. Box 176
Central City, NE 68826

8-6-09
Date

8-5-09
Date

State of NEBRASKA)
County of HALL) ss.
)

On this 5 day of August, 2009, Matthew J. Green personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.



Thomas L. Kovanda
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Matthew J. Green, Cause No. A-1836.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Ann M. Frohman
ANN M. FROHMAN
Director of Insurance

8/11/09
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition and Notice of Hearing was served upon the Respondent by mailing a copy to Respondent at Green & Associates Inc. d/b/a Nebraska Senior Benefits, 414 G Street, P.O. Box 176, Central City, NE 68826 by certified mail, return receipt requested, and by first class mail on this 11th day of August, 2009.

I hereby further certify that a copy of the foregoing Petition and Notice of Hearing was served upon the Respondent by mailing a copy to Respondent at 608 I Street, Central City, NE 68826 by certified mail, return receipt requested, and by first class mail on this 11th day of August, 2009.

Tracy A. Luhn